

JG:DCW

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-10-938

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(21 U.S.C. §§ 952(a)
and 960)

ROBERTO BERROA DE LA CRUZ,

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

SHANNON MCFADDEN, being duly sworn, deposes and states that she is a Special Agent of the United States Department of Homeland Security, Immigration and Customs Enforcement, duly appointed according to law and acting as such.

Upon information and belief, on or about August 13, 2010, within the Eastern District of New York and elsewhere, the defendant ROBERTO BERROA DE LA CRUZ did knowingly, intentionally and unlawfully import into the United States from a place outside thereof a substance containing cocaine, a Schedule II controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for her belief are as follows:¹

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause, I have not described all the relevant facts and circumstances of which I am

1. On or about August 13, 2010, the defendant ROBERTO BERROA DE LA CRUZ arrived at John F. Kennedy International Airport ("JFK") in Queens, New York, aboard Jet Blue Flight No. 826 from Santo Domingo, Dominican Republic. After arriving at JFK, DE LA CRUZ was referred to Customs and Border Protection ("CBP") officers for a routine inspection.

2. At the time of his inspection, DE LA CRUZ was carrying a black "Claireborn" suitcase (the "Claireborn suitcase"). DE LA CRUZ told CBP Officers that the Claireborn suitcase and everything in the suitcase belonged to him.

3. Inside the Claireborn suitcase, CBP Officers discovered four pairs of sneakers. The sneakers were unusually heavy, and the soles of the sneakers were unusually thick. CBP Officers probed the soles of the sneakers and discovered that concealed inside the soles was a white powdery substance that field tested positive for cocaine.


4. DE LA CRUZ was given Miranda warnings which he appeared to understand and waived. DE LA CRUZ then told authorities in sum and substance that he was asked by someone in the Dominican Republic to carry the sneakers into the United States. He further stated that at the time he carried the sneakers into the United States, he believed that the sneakers contained something illegal. Additionally, DE LA CRUZ stated

aware.

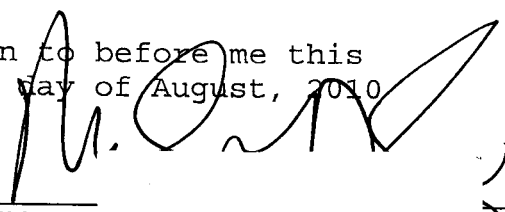
that he was offered between \$5,000 and \$5,500 to bring the sneakers into the United States.

5. The total approximate gross weight of the cocaine found in the four pairs of sneakers in DE LA CRUZ's Claireborn suitcase is 2,177.5 grams.

WHEREFORE, your deponent respectfully requests that the defendant ROBERTO BERROA DE LA CRUZ be dealt with according to law.


SHANNON MCFADDEN
Special Agent
U.S. Department of Homeland Security
Immigration and Customs Enforcement

Sworn to before me this
13th day of August, 2010


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